

Kuisma discloses a method of transferring a multimedia message in a multimedia messaging system from a multimedia messaging center to a wireless terminal (see, e.g., abstract of Kuisma). As acknowledged by the Examiner, Kuisma fails to disclose or suggest a method for performing retry attempts in the event that the message transfer results in an error. The Examiner suggests that this deficiency is overcome by the addition of Cantwell.

Cantwell discloses a method for controlling network accesses attempted by a remote unit (wireless terminal) in a wireless network (see, e.g., abstract of Cantwell). Like Applicants' claimed method, Cantwell's method discloses steps for controlling subsequent access attempts in the event that an initial access attempt is unsuccessful. However, in sharp contrast to Applicants' claimed method, Cantwell in combination with Kuisma fails to disclose or suggest method steps for first classifying error conditions as temporal or permanent, and then performing one or more retry attempts only if the error condition is judged to be temporal. By entirely eliminating retry attempts under "permanent" error conditions which are unlikely to be remedied within a short period of time. Applicants' claimed classification step improves upon the method taught and suggested by the cited references by avoiding retry attempts that have a very low probability of success (see, e.g., page 8, lines 3 - 7 of Applicants' specification).

Accordingly, Applicants respectfully submit that amended independent claim 1 is not made obvious by the combination of Kuisma and Cantwell, and is in condition for allowance. As current independent claim 9 also includes an error classification step that is substantially similar to the error classification step of allowable claim 1, Applicants further submit that current independent claim 9 is also allowable for at least this reason.

Each of current dependent claims 2 - 8 and 10 - 16 depends from one of allowable independent claims 1 and 9. Applicants respectfully submit that each of dependent claims 2 - 8 and 10 - 16 is allowable for at least this reason.

III. New Claims

With this Amendment, Applicants add new claims 17 - 23. As each of new claims 17 - 23 depends from allowable independent claim 1, Applicants respectfully submit that new claims 17 - 23 are also allowable for at least this reason. In addition, Applicants submit that new claims 18 - 23 are also allowable on additional grounds.

In original claim 7, Applicants claim the method of claim 1, further comprising the step of modifying a maximum number of retry attempts that is defined for the wireless telephone. In new claims 18 and 19, Applicants further claim:

18. The method of claim 7, wherein the maximum number of retry attempts is modified according to a change in a monitored characteristic of the network.

20. The method of claim 7, wherein the maximum number of retry attempts is modified according to a physical location of the wireless telephone.

Applicants respectfully submit that Kuisma and Cantrell, alone and in combination, fail to teach or suggest a method for performing message retrieval retry attempts in which a maximum number of retry attempts is set and modified according to one of a monitored characteristic of the wireless network and a physical location of the wireless telephone.

In original claim 8, Applicants claim the method of claim 1, further comprising the step of modifying a length of one or more of the predefined retry waiting periods that is defined for the wireless telephone. In new claims 21 and 23, Applicants further claim:

21. The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a change in a monitored characteristic of the wireless network.

23. The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a physical location of the wireless telephone.

Applicants respectfully submit that Kuisma and Cantrell, alone and in combination, fail to teach or suggest a method for performing message retrieval retry attempts in which a length of one or more predefined waiting periods is set and modified according to one of a monitored characteristic of the wireless network and a physical location of the wireless telephone.

Accordingly, Applicants respectfully submit that new claims 18, 20, 21 and 23 are allowable for these additional reasons. As claims 19 and 22 respectively depend from allowable claims 18 and 21, Applicants further submit that claims 19 and 22 are in addition allowable for at least this reason.

CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that a Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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